

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

LARRY W. ALFRED	§	
VS.	§	CIVIL ACTION NO. 1:06cv203
SHAWNEQUELE S. FOBBS	§	

MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Larry W. Alfred, proceeding *pro se*, filed the above-styled civil rights lawsuit against Shawnequele S. Fobbs. The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, for consideration pursuant to 28 U.S.C. § 636 and applicable orders of this court.

The defendant has filed a motion for summary judgment. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning the motion. The magistrate judge recommends the motion be granted with respect to the claim asserted against the defendant in her official capacity and denied with respect to the claim asserted against the defendant in her individual capacity.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the records, pleadings and all available evidence. The defendant filed objections to the Report and Recommendation.

The court has conducted a *de novo* review of the objections. After careful consideration, the court is of the opinion the objections are without merit.

ORDER

Accordingly, the defendant's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED** as the opinion of the court. The motion for summary judgment is **GRANTED** with respect to the claim asserted against the defendant in her official capacity and **DENIED** with

respect to the claim asserted against her in her individual capacity.

SIGNED this the **7** day of **July, 2008**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield
United States District Judge